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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,)
8 Plaintiff,) NO. CR-11-0006-WFN-1
9 -vs-) ORDER
10 SCOTT J. MARTIN,)
11 Defendant.)
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13 Pending before the Court are Defendant's Motions for Writ of Habeas Corpus Ad
14 Prosequendum (ECF No. 9), for Bill of Particulars (ECF No. 12), to Compel Grand Jury
15 Transcripts (ECF No. 15), and to Dismiss (ECF No. 18). The Government filed a response
16 to the first Motion which argues that transfer to Federal custody at this time would be
17 premature. The Defendant is currently in state custody in the pretrial phase of his case there.
18 The Government has filed a retainer. The Court agrees with the Government. Transfer to
19 Federal custody prior to resolution of the state matter is premature. The Court has reviewed
20 the file and Motions and is fully informed. Accordingly,

21 **IT IS ORDERED** that:

- 22 1. Defendant's Motion for Writ of Habeas Corpus Ad Prosequendum , filed July 20,
23 2011, **ECF No. 9**, is **DENIED**.
24 2. Defendant's Motions for Bill of Particulars (**ECF No. 12**), to Compel Grand Jury
25 Transcripts (**ECF No. 15**), and to Dismiss (**ECF No. 18**), all filed on July 20, 2011, are
26 **RESERVED** until Defendant is transferred into Federal custody.

1 3. Defense counsel shall re-note the reserved Motions for hearing once the first
2 pretrial conference and motion hearing has been set.

3 The District Court Executive is directed to file this Order and provide copies to
4 counsel.

5 **DATED** this 4th day of August, 2011.

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8 07-28-11

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE